

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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ALL STAR CARTS AND VEHICLES, INC.,  
H.B. MILLWORK, INC. AND KUSSMAUL  
ELECTRONICS COMPANY, INC.

On behalf of themselves and all others  
similarly situated,

Plaintiffs,

**ORDER**

CV 08-1816 (LDW) (AKT)

- against -

BFI CANADA INCOME FUND, IESI, CORP.,  
IESI NY, CORP., WINTERS BROS.  
RECYCLING CORP., WINTERS BROS.  
WASTE SYSTEMS, INC.,  
WASTE MANAGEMENT, INC.,  
WASTE MANAGEMENT OF NEW YORK, LLC,  
ALLIED WASTE INDUSTRIES, INC.,  
ALLIED WASTE OF LONG ISLAND, INC. and  
ISLAND WASTE SERVICES, LTD,

Defendants.

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**A. KATHLEEN TOMLINSON, Magistrate Judge:**

Currently pending before the Court is Defendants' motion [DE 66] to disqualify Lewis Johs Avallone Aviles, LLP and an attorney with that firm, James F. Murphy, from representing Plaintiffs in this putative class action. Plaintiffs oppose the motion. *See* DE 72. Having reviewed the parties' submissions and the applicable case law, I am DENYING Defendants' motion, without prejudice. A substantive written decision will follow.

**SO ORDERED.**

Dated: Central Islip, New York  
March 31, 2010

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge